

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**Petition of BNE Energy Inc. for a
Declaratory Ruling for the Location,
Construction and Operation of a 4.8 MW
Wind Renewable Generating Project on
Winsted-Norfolk Road in Colebrook,
Connecticut (“Wind Colebrook North”)**

Petition No. 984

May 4, 2011

OBJECTION TO MOW MOTION FOR PROTECTIVE ORDER

Petitioner BNE Energy Inc. (“BNE”) hereby objects to the motion for protective order filed by Kristin and Benjamin Mow (the “Mows”), dated May 2, 2011. The Mows seek to file their child’s medical records under seal and request that the Council enter a protective order to ensure that the medical records are kept confidential. The request to submit medical records is untimely and therefore no motion for protective order should enter. Furthermore, the Mows have already stated under oath that their child has vertigo and discussed the child’s vertigo extensively on the record. Therefore, the submission of medical records would not only be untimely but is also unnecessary.

The schedule in this proceeding is clear and was established by the Council’s hearing schedule and subsequent Council notices. Consistent with the Council’s practice, the Council required that all testimony and exhibits be submitted by a second pre-filing deadline, April 19, 2011. Now, almost **two weeks** later, the Mows seek to file medical records and request that the Council enter a protective order therefor. The Mows do not provide any compelling reason for their failure to file the medical records in a timely manner, nor do they demonstrate why the medical records should be made part of the record at this late date. The record in this proceeding simply cannot be left open indefinitely.

Furthermore, the Mows have already stated under oath that their child has vertigo and discussed the child's vertigo extensively on the record. Given that this testimony was under oath, the submission of medical records to substantiate the condition is superfluous. Therefore, the submission of medical records would not only be untimely but is also unnecessary.

WHEREFORE, BNE objects to the Mow's request to file medical records under seal and motion for protective order.

Respectfully Submitted,

BNE ENERGY INC.

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CERTIFICATION

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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